

**RULES
OF THE
TENNESSEE DEPARTMENT OF PERSONNEL**

**CHAPTER 1120-7
EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION**

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1120-7-.01 SCOPE. This rule sets forth the steps taken by the State of Tennessee to carry out the intent of the Governor's Executive Order 13 thus complying with Title VII, the Americans with Disabilities Act of 1990, 42 U.S.C. Sec. 12101 et. seq. (the "ADA"), and other Federal and State statutes.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222, T.C.A. 8-30-305, T.C.A. 8-50-103(a) and T.C.A. 8-50-104. **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994.

1120-7-.02 STATEMENT OF POLICY.

- (1) It is the policy of the State of Tennessee to promote equal employment opportunity and to eliminate unlawful discrimination against individuals because of race, color, sex, religion, national origin, ancestry, age, disability or other non-merit factors. All State employees will be responsible for adhering to this policy.
- (2) Management and supervisory personnel will actively support recruitment and career development programs to ensure equitable representation of protected groups in all job categories.
- (3) Management and supervisory personnel will create and promote a work environment that is free of sexual harassment.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222, T.C.A. 8-30-305, T.C.A. 8-50-103(a) and T.C.A. 8-50-104. **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994.

1120-7-.03 COMMUNICATION OF POLICY.

- (1) A copy of the State's policy regarding equal employment opportunity will be circulated to all employees and be displayed conspicuously in all State facilities and shall include promotional slogans endorsing the State's policy for hiring and recruitment of qualified individuals with disabilities.
- (2) Agency meetings should be held annually with managers and supervisors to affirm the principles of equal employment opportunity and the continuing endorsement of this policy in all personnel activities.

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- (3) All recruitment sources will be notified in writing of the State's equal employment opportunity policy.
- (4) Written notification of this policy will be sent to community agencies and organizations oriented to all protected groups. Channels of communication will be established with community leaders, educational institutions, community action agencies, neighborhood multi-service centers, and other State, local, and community sponsors of social service activities.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-205, T.C.A. 8-30-206, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222 and T.C.A. 8-30-302. **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994.

1120-7-.04 AGENCY RESPONSIBILITIES.

- (1) Each appointing authority in the State service will be held responsible for compliance with the State's policy and executive orders pertaining to equal employment opportunity.
- (2) Each appointing authority will designate an executive level employee to coordinate and supervise the affirmative action program within that agency.
- (3) Each appointing authority will submit to the Commissioner an annual affirmative action plan designed to conform to affirmative action guidelines issued by the Department.
- (4) Each agency will inform their supervisory personnel of their role in carrying out the agency's equal employment opportunity program.
- (5) Each agency will conduct an annual internal evaluation of its affirmative action program and report the results to the Commissioner.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-206, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222, T.C.A. 8-50-103 and T.C.A. 8-50-10(a). **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988

1120-7-.05 DEPARTMENT OF PERSONNEL RESPONSIBILITIES.

- (1) The Commissioner will represent the Governor in matters relating to equal employment opportunity in the State service.
- (2) The Commissioner will establish appropriate guidelines and procedures governing the preparation, submission and review of the affirmative action plan by each agency.
- (3) The Department shall periodically review testing, certification, recruitment, appointment, assignment, promotion and discharge policies and procedures to insure that these practices are not discriminatory.
- (4) The Department will provide training and technical assistance in the development, implementation and monitoring of affirmative action plans and equal employment opportunity programs.
- (5) The Department will inform any person claiming unlawful discrimination of appropriate courses of action.
- (6) The Department will report to the Governor each year the equal employment opportunity activities of each department, agency and commission in the State service. This report may contain

(Rule 1120-7-.05, continued)

recommendations for additional programs necessary to accomplish the purpose equal employment opportunity.

- (7) The Department will inform the Governor when instances occur of non-compliance or failure to demonstrate good faith efforts under this rule.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-205, T.C.A. 8-30-206, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222 and T.C.A. 8-50-103(a). **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-7-.06 GOVERNOR'S ADVISORY COMMITTEE.

- (1) The Commissioner shall chair the Governor's Advisory Committee on Equal Employment Opportunity. The Committee will be appointed by the Governor and will consist of nine (9) Tennesseans who have demonstrated a concern for the principles of equal employment opportunity.
- (2) The Committee will meet periodically to review the implementation of the State's equal employment opportunity program and will advise the Governor of ways to strengthen and improve the over all administration of the equal employment opportunity and affirmative action policies of the State service.

Authority: T.C.A. 8-30-202, T.C.A. 8-30-203, T.C.A. 8-30-204, T.C.A. 8-30-205, T.C.A. 8-30-206, T.C.A. 8-30-207, T.C.A. 8-30-221, T.C.A. 8-30-222 and T.C.A. 8-50-103(a). **Administrative History** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Amendment filed October 25, 1995; effective February 28, 1996.